

REGULAR MEETING
BOROUGH COUNCIL
BOROUGH OF RUMSON
October 18, 2007

A regular meeting of the Borough Council of the Borough of Rumson was held in the Charles S. Callman Courtroom of the Memorial Borough Hall on October 18, 2007 and was called to order by Acting Mayor Robert Kammerer at 7:30 p.m.

Pledge of Allegiance.

Present: Acting Mayor Kammerer, Councilwoman DeVoe, Councilmen Broderick, Hemphill, Rubin and Shanley.

Absent: Mayor Ekdahl.

Thomas S. Rogers, Municipal Clerk/Administrator, was present.

Martin M. Barger, Borough Attorney, was present.

C. Bernard Blum, Jr., Borough Engineer, was not present.

David Marks of T & M Associates was present.

The Acting Mayor declared a quorum present and announced that the notice requirements of the Open Public Meetings Act had been met by the posting and mailing of a schedule of all regular and work meetings of the Borough Council for the year 2007 to the *Asbury Park Press* and the *Two River Times*.

On motion by Councilwoman DeVoe, seconded by Councilman Rubin, the minutes of the previous meeting were approved as written, copies having been forwarded to all Council members. All in favor.

COMMUNICATIONS:

LETTER FROM HOLY CROSS CHURCH OF 30 WARD AVENUE REQUESTING PERMISSION TO PUT A TEMPORARY TRAILER ON THEIR PROPERTY FROM NOVEMBER 9 THROUGH DECEMBER 19 NEXT TO THE CARRIAGE HOUSE FOR STORAGE OF FOOD TO BE COLLECTED IN THEIR ANNUAL THANKSGIVING AND CHRISTMAS DRIVES TO BENEFIT NEEDY AREA FAMILIES AND SERVICE AGENCIES:

The Municipal Clerk/Administrator advised of a letter to the Mayor and Council dated October 10, 2007 from Janet Wood, of the Social Concerns Committee at Holy Cross Church, requesting permission to put a temporary storage trailer on the property at 30 Ward Avenue from November 9th through December 19th. They will place the trailer, which is to be used for storing the food collected during their Thanksgiving Drive and gifts for their Christmas Drive, next to the Carriage House on the grass area and not take up any parking spaces.

After a brief discussion, it was decided that permission would be granted for the trailer as it has in years past.

On motion by Councilwoman DeVoe, seconded by Councilman Rubin, this communication was ordered received and permission for the temporary storage trailer to be placed on the Church property for the time requested was approved. All in favor.

CONSENT AGENDA:

LETTER FROM THOMAS P. SANTRY, ON BEHALF OF ETHEL KAPLAN FOR PROPERTY LOCATED AT 6 EDWARDS POINT ROAD, ENCLOSING A COPY OF AN APPLICATION TO THE STATE D.E.P. FOR A CAFRA GENERAL PERMIT 8 TO LEGALIZE AN EXISTING RIP-RAP REVETMENT:

The Municipal Clerk/Administrator advised of a letter from Thomas P. Santry, P.A. on behalf of Ethel Kaplan, 46 Windward Way, Red Bank. The letter advised of an application submitted to the New Jersey Department of Environmental Protection, Land Use Regulation Program for a CAFRA General Permit 8 to legalize an existing rip-rap revetment at 6 Edwards Point Road.

LETTER FROM SUZANNE O. LIZOTTE OF 46 FORREST AVENUE AND MARK B. AND ANNE R. WARNSMAN OF 47 FORREST AVENUE ON BEHALF OF THE "SIDEWALKS FOR SAFETY COMMITTEE OF RUMSON" REQUESTING THAT THE MAYOR AND COUNCIL APPROVE A SIDEWALK FOR FORREST AVENUE IN THE UPCOMING YEAR WITH A PETITION FOR SUCH SIGNED BY RESIDENTS OF THE AREA:

The Municipal Clerk/Administrator advised of a letter to the Mayor and Council dated October 2, 2007 from Suzanne O. Lizotte of 46 Forrest Avenue and Mark B. and Anne R. Warnsman of 47 Forrest Avenue representing the "Sidewalks for Safety Committee of Rumson" requesting that the Committee's request for sidewalks for Forrest Avenue be approved for the 2008 Borough budget. The letter, a follow-up to the Committee's concerned voiced at a prior Council meeting, stated the reasons for the need and included a petition with signatures from over sixty residents in the Forrest Avenue neighborhood.

On motion by Councilwoman DeVoe, seconded by Councilman Rubin, the two communications on the Consent Agenda were ordered received. All in favor.

COMMITTEE REPORTS:

None.

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

INTRODUCTION OF AMENDMENT TO THE 2007 SALARY RANGE ORDINANCE FOR CERTAIN POSITIONS IN FIRST READING. PUBLIC HEARING SCHEDULED FOR NOVEMBER 1, 2007 AT 7:30 P.M.:

The Municipal Clerk/Administrator read the following ordinance by title only in first reading:

07-017

**AN ORDINANCE FIXING
COMPENSATION OF BOROUGH
OFFICERS AND CERTAIN
BOROUGH EMPLOYEES IN THE
BOROUGH OF RUMSON, NEW JERSEY.**

Be It Ordained by the Mayor and Council of the Borough of Rumson that the annual compensation ranges for offices listed below for the year 2007 be amended as follows:

SECTION 1. The annual salary range for 2007, which shall be paid semi-monthly, unless otherwise stated, of the officers, employees and appointees shall be as follows:

12. Tax Collector	\$ 5,000.00 - \$53,630.00
13. Deputy Tax Collector	\$ 1,000.00 - \$30,321.00
34. Technical Assistant to Construction Official	\$25,000.00 - \$62,500.00
47. School Crossing Guards	\$ 20.00 - \$ 30.00 per diem

SECTION 2. An ordinance entitled "An Ordinance Fixing Compensation of Borough Officers and Certain Borough Employees in the Borough of Rumson, New Jersey," passed and approved June 7, 2007 and all amendments thereof and supplements thereto are hereby amended to reflect the changes to the positions above.

SECTION 3. This ordinance shall take effect upon its passage and publication according to law.

Councilman Hemphill moved the adoption of this ordinance in first reading. Motion seconded by Councilman Broderick and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: None.

The Municipal Clerk/Administrator stated that this ordinance would be published and posted and come up for final consideration and public hearing at the Thursday, November 1, 2007 meeting of the Borough Council at 7:30 p.m.

INTRODUCTION OF AMENDMENT TO THE GENERAL ORDINANCES CHAPTERS II AND III IN FIRST READING. PUBLIC HEARING SCHEDULED FOR NOVEMBER 15, 2007 AT 7:30 A P.M.:

The Municipal Clerk/Administrator read the following ordinance by title only in first reading:

07-016 G

**AN ORDINANCE TO AMEND THE CODE
OF THE BOROUGH OF RUMSON BY
AMENDING CHAPTERS II AND III,
GENERAL ORDINANCES**

BE IT ORDAINED by the Borough Council of the Borough of Rumson, County of Monmouth, and State of New Jersey that Chapter II, Administration and Chapter III, Police Regulations of the Code of the Borough of Rumson is hereby amended or supplemented as follows:

PURPOSE

It has been deemed necessary by the Borough Officials that the General Ordinances of the Borough of Rumson be reviewed by the Review Committee and that the necessary changes and corrections be made for purposes of clarification and compliance. The Review Committee has completed their review of General Ordinances, Chapter II, Administration and Chapter III, Police Regulations.

Chapter II, Administration and Chapter III, Police Regulations of the Code of the Borough of Rumson is hereby amended or supplemented as follows (new text is double underlined and text to be deleted is ~~struck through~~):

SECTION 1

That General Ordinances Chapter II, Administration, be amended to read as follows:

CHAPTER II

ADMINISTRATION

2-9 SHADE TREE COMMISSION.

2-9.1 Creation; Members. The regulation, planting, care and control of shade and ornamental trees and shrubbery upon or in the highways (except county highways), parks or parkways of the borough shall be exercised and be under the authority of the commission, ~~consisting of five residents of the borough, to be known as the "Shade Tree Commission of the Borough of Rumson." The members of this commission shall be appointed by the mayor and shall serve without compensation.~~ The commission, to be known as the "Shade Tree Commission of the Borough of Rumson," shall consist of five (5) members appointed by the mayor and shall serve without compensation:

- a. Three (3) citizens of the borough
- b. One (1) borough official
- c. One (1) borough employee.

2-9.2 Term of Members. ~~The appointments of all members except to fill vacancies shall be for the full term of five years to take effect January 1. Vacancy occurring in the membership of the commission by reason of death, resignation or removal of any commissioner shall be filled for the~~

~~unexpired term by the mayor.~~ The appointments of the five (5) members shall be staggered terms beginning January 1, 2008 for one (1), two (2) and three (3) year terms as follows:

- a. One citizen for three (3) year term
- b. One citizen for two (2) year term
- c. One citizen for one (1) year term
- d. Borough official for one (1) year term
- e. Borough employee for one (1) year term.

Thereafter each appointment shall be for a three (3) year term for citizens and a one (1) year term for the Borough official and the Borough employee beginning January 1 except in the case of filling a vacancy. Vacancy occurring in the membership of the commission by reason of death, resignation or removal of any commissioner shall be filled for the unexpired term by the mayor.

2-9.3 Organization. The shade tree commission shall organize within thirty 30 days after the appointment of its total membership, for the remainder of the current year, and thereafter annually, by the election of one of its members as president and the appointment of a secretary. ~~The compensation of the secretary and all other employees shall be fixed by the commission.~~

2-9.4 Power to Exercise. No Change.

2-10 BOARD OF HEALTH.

2-10.1 Established. No Change.

2-10.2 Members; Terms. The board of health shall consist of seven (7) members appointed by the mayor with approval by the borough council. ~~When originally appointed, two member shall be appointed to serve for two years and three members shall be appointed to serve for three years. Thereafter, all~~ All members shall be appointed to serve for a three (3) year term except in the case of vacancies. Vacancies shall be filled for the unexpired term.

2-10.3 Rules of the Board; Election of President. No Change.

2-10.4 Appointment of Registrar of Vital Statistics Clerk; Sanitary Inspector.

No Change.

2-10.5 Expenses and Debts. No Change.

2-10.6 Retail Food Handling Establishment Code. No Change.

2-21 BOARD OF RECREATION COMMISSIONERS.

2-21.1 Creation of Board through 2-21.5 Powers and Duties; Funding. No Change.

That General Ordinances Chapter III, Police Regulations, be amended to read as follows:

CHAPTER III

POLICE REGULATIONS

3-14 ALARM SYSTEMS

3-14.1 Registration Required through 3-14.5 Rule Making Authority. No Change.

3-14.6 False Alarms and Penalties. In the case of a false alarm, or of improper maintenance or operation of an alarm system, any person having knowledge thereof shall immediately notify the police department. The police department shall cause an investigation to be made of all false alarms and of all improper maintenance or operation of alarm systems, and shall keep a record of such false alarms on file.

a. through i. No Change.

j. All Rumson municipal and historic buildings and facilities owned or leased by the Borough of Rumson or any one of the following entities listed below shall be exempt from the penalties enumerated in this section:

Borough Hall, Municipal Court, Police Department, Bingham Hall, Parks and Recreation, Road Department, Wastewater Management Stations, Fire Department, First Aid Squad and Public Schools.

3-14.7 Definitions. through 3-14.9 Violations; Enforcement. No Change.

SECTION 2

All Ordinances or parts of Ordinances inconsistent with this Ordinance if held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this Ordinance.

SECTION 3

This Ordinance shall take effect immediately upon final passage and publication according to law.

Councilwoman DeVoe moved the adoption of this ordinance in first reading. Motion seconded by Councilman Rubin and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: None.

The Municipal Clerk/Administrator stated that this ordinance would be published and posted and come up for final consideration and public hearing at the Thursday, November 15, 2007 meeting of the Borough Council at 7:30 p.m.

RESOLUTION TO AUTHORIZE THE TAX COLLECTOR TO HOLD THE TAX SALE OF DELINQUENT TAXES ON DECEMBER 14, 2007:

Councilwoman DeVoe offered the following resolution and moved its adoption:

**RESOLUTION TO AUTHORIZE THE TAX COLLECTOR TO
HOLD A TAX SALE OF DELINQUENT TAXES AND TO
CHARGE FEES INCURRED IN TAX SALE NOTICE**

WHEREAS, pursuant to the provision of R.S. 54:5-9 et seq., the Tax Collector is allowed to conduct a Tax Sale for the purpose of enforcing the collection of delinquent taxes in the Borough against which such delinquent taxes are in arrears for the prior fiscal year, in the manner and form prescribed in said Statute, on or before the 31st day of December 2007; and

WHEREAS, the Tax Collector has scheduled a Tax Sale on December 14, 2007, for unpaid municipal liens; and

WHEREAS, N.J.S.A. 54:5-26 provides for direct mailing of the Tax Sale Notice in lieu of up to two legal advertisements, not exceeding a cost of \$25.00 for each mailing; and

WHEREAS, the Tax Collector recommends two direct mailings so that the cost of the Tax Sale process is borne by the delinquent property owners.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rumson, that pursuant to the provision of R.S. 54:5-9 et seq., the Tax Collector be authorized and directed to conduct a Tax Sale in the manner and form prescribed in said Statute on or before the 31st day of December 2007 for the purpose of enforcing the collection of delinquent taxes in the Borough against which such delinquent taxes are in arrears as of December 31, 2006; and

BE IT FURTHER RESOLVED that the Tax Collector is authorized to send two direct mailings and collect a charge of \$25.00 each in compliance with N.J.S.A. 54:5-26; and

BE IT FURTHER RESOLVED that the Tax Collector be and hereby is authorized to include in said sale any and all unpaid sewer taxes as of December 31, 2006; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Borough Tax Collector.

Resolution seconded by Councilman Broderick and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: None.

**RESOLUTION TO AUTHORIZE THE MUNICIPAL CLERK/ADMINISTRATOR AND
THE MAYOR TO SIGN A CONTRACT WITH KME FIRE APPARATUS FOR THE
PURCHASE OF A NEW SATELLITE FIRE TRUCK:**

Councilman Rubin offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, one sealed bid was received from KME Fire Apparatus on September 5, 2007 for one 2007 or newer Ford F-550 two-door chassis satellite unit fire truck; and

BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that they hereby accept the lowest responsive bid of KME Fire Apparatus, One Industrial Complex, Nesquehoning, PA 18240 for one 2007 or newer Ford F-550 two-door chassis satellite unit fire truck in accordance with the prescribed specifications in the amount of \$149,745.00; and

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to execute the contract documents to be prepared by the Borough Attorney.

Resolution seconded by Councilman Hemphill and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: None.

ANNOUNCEMENT BY THE ACTING MAYOR:

Acting Mayor Kammerer made the following Announcement:

The Borough's Halloween Curfew Ordinance is in effect again this year. The curfew is 6:00 p.m. on Tuesday, October 30th and 8:00 p.m. on Halloween, Wednesday, October 31st.

Anyone under the age of 18 not accompanied by his or her parent or legal guardian after those hours on those two nights will be in violation of the curfew ordinance and subject to a fine. This ordinance was enacted many years ago because of the vandalism problem experienced on those two nights in years prior to its adoption.

Thank you for your cooperation.

COMMENTS FROM THE COUNCIL:

The Acting Mayor afforded the members of the Council an opportunity to be heard at this time and no one responded.

COMMENTS FROM THE PUBLIC:

The Acting Mayor afforded the public an opportunity to be heard at this time and the following resident responded:

Mark Warnsman of 47 Forrest Avenue stated that he was in attendance this evening to follow-up on the sidewalk request made at a Council meeting about 8 weeks ago to see if the Police Department had completed their evaluation of the situation as yet.

Acting Mayor Kammerer advised that nothing official has been received that the Council was ready to give to the public at this time. He stated that the Police Committee has met on this matter and that it has been discussed with the police officers. He stated that it was part of a bigger issue, including parking in the whole area and access to the schools with traffic flow in all directions. The Acting Mayor assured Mr. Warnsman that the Council was working on it but that no conclusions have been made.

Mr. Warnsman asked if this time frame was typical for a project of this sort.

Acting Mayor Kammerer stated that, actually, the Council was being pushed by Mr. Warnsman and the others involved in the "Sidewalks for Safety Committee of Rumson."

Mr. Warnsman stated that in a previous meeting the Council had said that there was not funding available in the 2007 budget for the necessary preliminary study if the sidewalks were to be approved. He asked how much would be required for such a study.

Acting Mayor Kammerer stated that he had no idea because we didn't know what would be included as part of the project—there were the drainage issues, parking, and sidewalks. He stated that there was no official position at this time.

In answer to another question by Mr. Warnsman, the Municipal Clerk/Administrator stated that it would be general engineering and operating costs that come out of the general budget, not a capital appropriation. He added that the cost of the design, blueprints, measurements, surveys, elevations and the bidding process were part of the capital project.

Mr. Warnsman stated that the Borough's capital budget for this year included money for various sidewalk, curbing and road repair improvements for North Street and Washington Street. He wondered what process was followed to get those improvements approved by the Council.

Acting Mayor Kammerer stated that he didn't want to speak for the Mayor but most of the capital projects that the Council address are issues that have been going on for years; the Council tries to get to them as soon as possible but it takes quite awhile to solve a problem. He added that in municipal government there were many issues that come before the Council for a solution and they have to be prioritized as to where the tax dollars would be best invested at that time.

Mr. Warnsman asked what the \$8,000,000.00 in the Financial Officer's Report was to be used for.

The Municipal Clerk/Administrator advised that part of the money was surplus, part was for projects that have been fully funded but the expense has not been paid out, and part of it was for the new building.

Mr. Warnsman said thanked the Mayor and Council and the Municipal Clerk/Administrator and stated that he would be willing to help in anyway that he could to make this happen.

Acting Mayor Kammerer thanked Mr. Warnsman and stated that the Borough was working as fast as they could.

FINANCIAL OFFICER'S REPORT:

The Financial Officer's Report disclosed the following cash on hand in the Current Fund Account as of October 18, 2007:

Wachovia Bank		
Balance:	09/06/07	\$ 5,254,413.55
Cash Receipts:	September	\$ 814,296.13
	October	\$ 1,523,294.62
Void Check #27997 due to printer error		\$ 1,954,594.92
Disbursements:		
Reissue replacement ck	09/11/07	\$ (1,954,594.92)
Bills and Claims	09/20/07 & 10/04/07	\$ (1,446,999.56)
Bills and Claims	10/18/07	\$ (74,244.33)
Payroll:	09/15/07 & 09/30/07	\$ (389,667.10)
	10/15/07	\$ (198,506.23)
Wachovia Bank Balance:		<u>\$ 5,482,587.08</u>
Certificate of Deposits:		\$ 8,000,000.00
Total Current Fund:		\$13,482,587.08

On motion by Councilman Broderick, seconded by Councilwoman DeVoe, the Financial Officer's Report was ordered received and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: None.

CONSIDERATION OF BILLS AND CLAIMS (RESOLUTION):

Councilman Rubin offered the following resolution and moved its adoption:

\$	53.00	Deer Carcass Removal Service
\$	11.40	NJ State Dept of Health
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\$	64.40	Animal Control Account
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\$	15,813.00	Torcon
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\$	15,813.00	Capital Account
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\$	2.80	Acme Locksmith Service
\$	400.97	Action Office Supplies
\$	105.00	Allcom Technologies Inc
\$	17,634.40	Allied Oil Company
\$	99.00	AM/PM Services

\$	1,894.50	Americanwear Indust Uniforms
\$	75.00	ANJR
\$	290.00	A Pak-Rat Equipment Inc
\$	799.64	Asbury Park Press
\$	62.91	AT&T
\$	1,100.00	Becker Tree Service
\$	1,839.00	Best Lecterns
\$	5.99	Bike Haven
\$	175.59	Builders General Supply Co
\$	157.67	Certified Laboratories
\$	77.16	Circle Chevrolet
\$	104.95	Comcast of Monmouth
\$	2,893.40	Continental Fire & Supply Inc
\$	350.00	William J Connelly
\$	1,649.97	Cooper Electric
\$	884.00	Copy Dynamics Inc
\$	175.00	DARE NJ Inc
\$	341.50	Davetech
\$	3,128.40	Delta Dental Plan of NJ
\$	261.89	Detcon
\$	310.00	Ditto Copy Systems
\$	21.50	Fair Haven Hardware
\$	1,379.00	Fibar Systems
\$	164.00	Galls Incorporated
\$	390.00	Garden State Highway
\$	432.00	Good Year Auto Service Center
\$	271.38	Helen L Graves
\$	14.26	Hights Farm Equipment Co Inc
	378.48	Johnny on the Spot
\$	42.22	John Guire Co
\$	34.00	Middletown Fire & Safety Inc
\$	13,391.19	Treasurer County of Monmouth
\$	225.00	Monmouth Truck Equipment
\$	632.03	Monmouth Telecom
\$	271.37	Moore Medical
\$	371.25	Motorola Inc
\$	44.45	Naylor's Inc
\$	86.00	Nelson Press
\$	37.00	Neopost Inc
\$	8,437.72	New Jersey American Water
\$	270.00	NJ State League Municipalities
\$	70.50	Norwood Auto Parts
\$	359.58	Postmaster
\$	360.00	Quality Electrical Const Co
\$	904.65	R & R Radar Inc
\$	2,825.00	Reusille Mausner Carotenuto
\$	514.00	Rutgers The State University
\$	337.31	Snap on Tools
\$	573.76	Stavola Asphalt Co Inc

\$	106.86	Janice Swaggerty
\$	4,521.60	Treasurer State of NJ
\$	425.00	Treasurer State of NJ
\$	63.08	The Two River Times
\$	1,424.90	Verizon
\$	46.50	WH Potter & Son Inc
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\$	74,244.33	Current Fund
\$	7,512.80	Martello Foundation
\$	1,785.00	Hutchins Farrell Meyer &
\$	25.00	Reusille Mausner Carotenuto
\$	400.00	Siciliano Landscape
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\$	9,722.80	Endowment Inc Account
\$	1,950.00	Congregation B’Nai Israel
\$	250.00	Anthony Fahoury
\$	877.00	Gametime
\$	125.00	Timothy Geltzeller
\$	76.49	John Hird
\$	258.00	Nelson Press
\$	109.11	Port Supply
\$	1,500.00	Rumson Senior Citizen’s Club
\$	375.00	Rutgers/Youth Sports Council
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\$	5,520.60	Recreation Account
\$	4,000.00	David Hendrickson
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\$	4,000.00	Trust Account
\$	2.16	Current Fund Appropriations
\$	74,242.17	Current Fund Appropriations
\$	64.40	Animal Control Fund Expenses
\$	15,813.00	Capital Fund Disbursements
\$	9,722.80	Endowment Disbursements
\$	5,520.60	Recreation Disbursements
\$	4,000.00	Trust Fund – Other Expenses
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\$	109,365.13	Total Of All Funds

Resolution seconded by Councilman Broderick and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: None.

ADJOURNMENT:

On motion by Councilwoman DeVoe, seconded by Councilman Broderick, the meeting adjourned at 7:55 p.m. All in favor.

Respectfully submitted,

Thomas S. Rogers, R.M.C.
Municipal Clerk/Administrator